

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: DECEMBER 6, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-25256 - APPLICANT/OWNER: STEVE AND JANINE AYRES**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to the conditions for Rezoning (Z-18-91), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan and landscape plan date stamped 11/15/07 and building elevations date stamped 10/23/07, except as amended by conditions herein.
4. A Waiver from Title 19.12.040.A is hereby approved, to allow a five-foot wide landscape buffer along the west property line where 15 feet is required and a zero-foot wide landscape buffer along the north property line and a three-foot landscape buffer along the east property line where five feet is required
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

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8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
14. The driveway accessing this site shall receive a approval from the Nevada Department of Transportation (NDOT). A 24-foot pan style driveway is acceptable to the City. Obtain an Occupancy Permit from NDOT for all landscaping and private improvements in the Jones Boulevard public right-of-way adjacent to this site.
15. Provide a copy of a recorded Access Agreement whereby this owner grants access rights to the adjoining parcel to the north for half of a total 32-foot wide future shared driveway (Assessor's Parcel No. 138-36-401-001) prior to the issuance of any permits.
16. Sign a Covenant Running with Land agreement for the possible future installation of a joint driveway with the parcel to the north (including curb and gutter, sidewalks and permanent paving) on Jones Boulevard adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the issuance of any permits.

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17. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
18. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed conversion of a 1,498 square-foot Single Family Residence to an Office with Waivers of the perimeter landscape requirements to allow a five-foot wide landscape buffer along the west property line where 15 feet is required and a zero-foot wide landscape buffer along the north property line and a three-foot landscape buffer along the east property line where five feet is required on 0.17 acres at 804 South Jones Boulevard. In addition to the Site Development Plan Review, a Variance (VAR-25257) to allow a five-foot rear yard setback where eight feet is required for an existing accessory structure has been included as a companion application.

The site as proposed cannot conform to Title 19.10 Parking Standards as aisle width for one-way access is 12 feet. The applicant is proposing a 10.5 foot single access point in and out of the parking area, which poses a potential safety risk. Due to the lack of access, staff recommends denial of this proposal.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/03/91	The City Council approved a Rezoning (Z-0018-91) to P-R (Professional Office and Parking) as one of 17 parcels along Jones Boulevard. A Condition of Approval required each parcel to receive approval of a Plot Plan and Building Elevation Review prior to development. The Planning Commission recommended denial on March 14, 1991.
<i>Related Building Permits/Business Licenses</i>	
10/09/92	A contractor's license (#C11-04557) was issued for the site. It is currently out of business.
02/06/07	A Certificate of Occupancy was issued at 716 S. Jones, which extends the Resolution of Intent to P-R (Professional Office and Parking) for one-year for the remaining 17 parcels.

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<i>Pre-Application Meeting</i>	
08/15/07	A pre-application meeting was held with the applicant. The applicant informed staff they had recently purchased the property assuming it was entitled for commercial use. Although the site was rezoned to P-R (Professional Office and Parking), the applicant was informed that no building permits were issued; therefore it was considered a single-family residential structure. The applicant was informed that a conversion to an office use would require a Site Development Plan Review application. The applicant was informed that the site had access concerns as the drive aisle that led to the proposed parking stalls in the rear was 10.5 feet where 12 feet is required. The applicant has attempted to attain a cross access agreement with the owner of the property to the north, but the owner has refused. Public Works has added a condition to resolve this issue. In addition, the property has a fixed accessory structure (shed) in the rear of the site that does not meet setback standards, which requires a Variance application. The applicant was then informed of the submittal requirements in detail.
<i>Field Check</i>	
11/01/01	A field check was made on site. The existing building is metal with a metal accessory structure at the rear of the site. The metal building and asphalt covered site convey a commercial appeal not a single family residence.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.17

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residential	O (Office)	R-1 (Single Family Residential) Zone under Resolution of Intent to P-R (Professional Office and Parking).
North	Undeveloped	O (Office)	R-1 (Single Family Residential) Zone under Resolution of Intent to P-R (Professional Office and Parking).
South	Adult Day Care	O (Office)	O (Office)
East	Single Family Residential	M (Medium Density Residential)	R-1 (Low Density Residential)
West	Single Family Residential	L (Low Density Residential)	R-1 (Low Density Residential)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	60 Feet	63 Feet	Y
Min. Setbacks (Building) <ul style="list-style-type: none"> • Front • Side • Corner • Rear (Building) 	20 Feet 5 Feet 15 Feet 15 Feet	34 Feet 9.25 Feet N/A 52 Feet	Y Y N/A Y
Min. Setbacks (Accessory) <ul style="list-style-type: none"> • Front • Side • Corner • Rear (Building) 	20 Feet 5 Feet 15 Feet 8 Feet	>20 Feet 6.5 Feet N/A 5 Feet	Y Y N/A N*
Min. Distance Between Buildings	10 Feet	17 Feet	Y
Max. Lot Coverage	50%	24%	Y
Max. Building Height	2 stories, 35 Feet	12.75 Feet	Y
Trash Enclosure	Yes	Curbside Pickup	Y
Mech. Equipment	Screened	Screened	Y

** A Variance (VAR-25257) to allow a five-foot rear yard setback where eight feet is required for an existing accessory structure has been included as a companion application.*

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Pursuant to Title 19.12, the following landscape standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/ 6 Spaces	Zero Trees	Zero Trees	Y
Buffer: Min. Trees	1 Tree/ 20 Linear Feet	14 Trees	10 Trees	N*
TOTAL		15 Trees	10 Trees	N*
Min. Zone Width (Right of Way)	15 Feet		5 Feet	N*
Min. Zone Width (Interior)	5 Feet		Zero Feet	N*
Wall Height	6 Feet		6 Feet (existing)	Y

**Waivers have been requested.*

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office	1,498 SF	1:300	4	1	4	1	Y
TOTAL			5		5		Y

<i>Waivers</i>		
<i>Request</i>	<i>Requirement</i>	<i>Staff Recommendation</i>
Waivers of the perimeter landscape requirements to allow a five-foot wide landscape buffer along the west property line	15 feet is required	Approval. This area is needed to accommodate access.
Waivers of the perimeter landscape buffer to allow a zero-foot wide landscape buffer along the north property line and a three-foot landscape buffer along the east property line	Five feet is required	Approval. This area is needed to accommodate access

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ANALYSIS

The existing single-family residence on the property is intended to be converted into an office use. From a quick visual inspection of the site, the existing building is metal with a metal accessory structure at the rear of the site. The metal building and asphalt covered site represent a commercial development not a single family residence, which is a result of a contractor's business occupying the property in 1992. The business and its license have expired; however, a certificate of occupancy was never issued for the site. Therefore, the site was never converted from residential to office.

- **Zoning**

The existing zoning classification for this site is R-1 (Single Family Residential), under a Resolution of Intent to P-R (Professional Office and Parking). The property was rezoned in 1991 along with other R-1 properties along the east side of Jones Boulevard south of Alta Drive. An Extension of Time was approved on the Rezoning extending the approval through May 1998. Since then, it has been determined that the Resolution of Intent for any remaining residential properties is extended for one year beyond the issuance of an occupancy permit for a commercial structure. The last such property to convert to an office was issued a Certificate of Occupancy (716 S. Jones) on February 6, 2007. As the application for this Site Development Plan Review was received prior to the expiration date of February 7, 2008, the Resolution of Intent remains in effect for this property.

The P-R (Professional Office and Parking) District is designed to be a transitional zone allowing low intensity administrative and professional offices. Properties to the north and south have already been converted into professional offices. This area conforms to the existing O (Office) General Plan designation.

- **Site Plan**

Access to the site is from the existing 24-foot wide driveway on Jones Boulevard. The Department of Public Works would prefer to see adjacent property owners work together to present multi-lot conversions with common access drives and common parking areas wherever possible. The applicant states that neighbors were approached regarding joint access between this site and their properties, but that the neighbors declined to discuss the matter. Per Title 19.10.J.I.2 – Design of Parking Areas access aisle dimensions for one-way is 12 feet. The applicant is proposing a 10.5 foot single access point in and out of the parking area, which poses a potential safety risk.

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Public Works is concerned with the proposed site plan and the width of the proposed drive aisle to the rear parking area. Staff realizes that City requirements may, at times, need to be flexed to accommodate the conversion of residential properties into professional P-R zoning uses; however, staff questions the ability of this site to handle two-way traffic to and from the proposed rear parking area, as there is only one 10.5 foot wide drive aisle proposed. The normal requirement would be a 24-foot wide access drive or a one-way, 12-foot wide access loop around the building.

- **Landscaping**

Twenty-four inch box California Pepper and Bottle Brush Patio shade trees are proposed in the planters along the east, west and south property lines, in addition to Lantana and Rosemary bushes. Waivers are required as the applicant proposes to allow a five-foot wide landscape buffer along the west property line where 15 feet is required and a zero-foot wide landscape buffer along the north property line and a three-foot landscape buffer along the east property line where five feet is required.

- **Waivers**

Several waivers of landscaping and design standards are necessary to accommodate the proposed site plan, if approved. Approval of the waivers will allow access to parking in the rear that would otherwise not be available on site. Staff cannot support this as there is ample space to provide a landscape island with a tree.

- **Elevations and Floor Plan**

The existing building is metal with a metal accessory structure at the rear of the site. As the pictures show, the metal building and asphalt covered site represent a commercial development not a single family residence. The 1,498 square-foot floor plan is arranged like a typical office building with five offices, a conference room and reception area at the entrance.

FINDINGS (SDR)

The following findings must be made for an SDR:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

If approved, the proposed development will be compatible with existing office developments to the north and the Adult Day Care to the south. With implementation of conditions of approval, the site will be compatible with existing adjacent single-family residential properties to the east and west.

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2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

The development of professional offices on this site is encouraged, as the property has been zoned for such use and is consistent with its O (Office) General Plan designation. However, the site as proposed cannot conform to Title 19.10 Parking Standards as access aisle dimensions for a one-way is 12 feet. The applicant is proposing a 10.5 foot single access point in and out of the parking area, which poses a potential safety risk. Due to the lack of access staff recommends denial of this proposal.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The proposed driveway from Jones Boulevard will require Nevada Department of Transportation approval prior to the issuance of a Certificate of Occupancy. Additionally, the site does not have internal access to and from abutting properties to the north and south. The access to rear parking is 10.5 feet wide and will be serving at least five parking spaces, which is a potential safety hazard.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

As the elevation and site visit show, the metal building and asphalt covered site represent a commercial development not a single family residence.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

The existing building is metal with a metal accessory structure at the rear of the site. As the elevation and site visit show, the metal building and asphalt covered site represent a commercial development not a single family residence. The proposed elevation plans for this project will be harmonious and compatible with the professional offices along the Jones Boulevard professional office corridor.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

With regular inspections for building permits and business licenses, the public health, safety and general welfare will be safeguarded.

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ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 295

APPROVALS 4

PROTESTS 1